

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

September 11, 2002

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **South Bay Ocean Outfall--Monitoring Data Visualization Demonstration** *(Michael McCann)*

On August 30 Dr. Rick Gersberg of the San Diego State University demonstrated a data visualization program to Regional Board staff--Mike McCann, Brian Kelley, David Hanson, Victor Vasquez, and Bryan Ott. Regional Board Member Richard Wright also attended the demonstration. The program, developed by Dr. Gersberg and a graduate student, represented in visual form bacteriological data from the receiving water stations in the area of the South Bay Ocean Outfall. The capability of representing water quality data from many monitoring stations collected over time in visual form can be an effective tool in evaluating the data and in demonstrating trends in water quality.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. **Sanitary Sewer Overflows (SSO)** *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott)*
(Attachment B-1)

In August 2002, there were 37 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 20 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, seven were 1,000 gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

Two sewage overflows from private property were also reported in August. One of the private property spills reached surface waters or storm drains but did not result in closure of recreational waters.

No rainfall was recorded at San Diego's Lindbergh Field in August. For comparison, in July 2002, no rainfall was recorded, and 28 public SSOs were reported; in August 2001, no rainfall was recorded, and 31 public SSOs were reported.

One Notice of Violation (NOV) with a Request for Technical Information (RTI) was issued in August for a recent significant overflow. The NOV was issued to the following agency:

South Coast Water District, Orange County

South Coast Water District (District) reported a 350-gallon sanitary sewer overflow from the District's collection system that occurred on August 13, 2002. The overflow occurred from a manhole as a result of the malfunction and failure of a pump station at 34661 Golden Lantern Street in Dana Point. The overflow entered Dana Point Harbor and resulted in closure of recreational waters at the north side of the harbor's East Basin and at Dana Point Shipyard docks.

2. Total Maximum Daily Load (TMDL) Activities Update

Rainbow Creek Nutrients TMDL (*Lisa Brown, Alan Monji*)

Preparation of responses to comments and revisions to the draft report and TMDLs are ongoing. Staff is consulting with USEPA regarding the revisions. A site visit to Rainbow Creek has been scheduled in September. The purpose of the visit is to tour the watershed and sampling locations on the Creek. Regional Board staff, County staff, and other stakeholders will be attending.

"B" Street/Broadway Piers, Grape Street, and Switzer Creek Contaminated

Sediment TMDLs (*Brennan Ott, Alan Monji*)

The Sampling and Analysis Plan (SAP) for conducting sediment sampling at these three locations is being finalized. The primary contractor for the work is the UC Davis Marine Pollution Studies Laboratory (MPSL). The San Diego Unified Port District (Port) is participating by contracting for a portion of the laboratory analyses outlined in the SAP.

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in August 2002 (*Stacey Baczkowski*)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
8/1/02	The Roman Catholic Bishop of San Bernardino, St. Martha's Catholic Parish	St. Martha's Catholic Parish Sanctuary Building	Construction of a one-story 22,500 sq. ft. Sanctuary building, 477-space parking lot, and associated improvements on the 11.5-acre St. Martha's Catholic Parish site.	Conditional
8/5/02	Lennar Homes, LLC	Bressi Ranch	Construction of 623 residential units, commercial, and industrial space on 397 acres; preserve 187 acres for open space.	Conditional
8/5/02	Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter Day Saints	Latter Day Saints Meeting House	Construction of a 16,674 square foot building with adjoining parking, associated drives, and retaining walls.	Conditional
8/6/02	San Diego Unified Port District	Replace Dinghy Dock - Shelter	Replacement of a 250 ft square dock with a 1,250	Standard

		Island Fishing Pier	ft dock to comply with the American with Disabilities Act.	
8/8/02	Sycamore Estates, LLC	Sycamore Estates Project	Development of 590.5 acres of a 2,132.0 acre site into a residential community.	Conditional
8/15/02	County of Orange	Laguna Canyon Road (SR-133) Improvement Project	Widening of 3.9 miles of Laguna Canyon Road, which requires the filling of 3.6 acres of waters of the U.S.	Conditional - action taken by State Board
8/19/02	Yuima Municipal Water District	16-inch Parallel Pipeline Segment	Installation of a 16-inch diameter buried water transmission pipeline with a total length of 8,500 ft.	Conditional
8/19/02	City of Dana Point	Urban Runoff Diversion Project	Diversion of summer nuisance water from outlets discharging on Doheny State Beach, Capistrano County Park and the Capistrano Bay District into an existing sewer line west of Coast Highway.	Standard
8/23/02	Shapouri & Associates	Staver Access Road Project	Construction of an access road to a new housing development and eight existing houses as well as improvements to Fortuna Ranch Road.	Application Withdrawn
8/26/02	California Quartet	Saddleback Meadows	299-unit residential development on 165 acres of a 225 acre site	Application Withdrawn
8/27/02	City of Carlsbad	Aviara Community Park	Develop 24.3 acres into a community park within the City of Carlsbad.	Standard
8/27/02	Smith, Thurman & Associates	Office Building	Construct an office building, parking, landscaping, and associated site improvements on a 0.25-acre site in the City of Vista.	Standard

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. City of San Diego Adobe Falls Supplemental Environmental Project (*Mike Porter*)
(Attachment B-4)

During the public forum section of the August 14, 2002 Regional Board meeting, Mr. Rick Ryan spoke against the planned Adobe Falls SEP (attached Figures. 1 & 2). Mr. Ryan claimed that portions or all of Alvarado Creek will be channelized using concrete and that riparian vegetation would be clear-cut as part of the Supplemental Environmental Project (SEP).

The SEP proposal and Section 401 Water Quality Certification application did not propose any channelization of Alvarado Creek. The only concrete structure planned for the creek are pre-cast concrete, erosion controlling, A-jacks. A-jacks are simple 6-pointed concrete jacks that when interlocked, provide a porous, rough surface that slows down water velocity, and encourages sediment deposition and establishment of native vegetation. Within one to two years, the A-jacks will be heavily vegetated and not visible. Four rows of A-jacks will be used in one area of the creek where the City identified excessive erosion and will be emplaced (Figures 3 & 4) perpendicular to the flow of water.

The SEP does not propose clear cutting. Selective cutting/removal of exotic plants will occur; however, no native riparian plants will be removed. The use of mechanized equipment will be minimal.

5. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

Staff has begun inspecting each of the Copermittees' municipal yards for compliance with the San Diego Municipal Storm Water Permit. These inspections are an assessment of the Copermittees' implementation of their Jurisdictional Urban Runoff Management Programs at their municipal yards. The inspections essentially seek to confirm that best management practices have been implemented at each of the yards to the maximum extent practicable. To date, staff has inspected approximately fourteen of the twenty Copermittees' municipal yards, including three municipal yards inspected during comprehensive program compliance evaluations. The inspections have resulted in the issuance of approximately five Notices of Violation and three Notices to Comply for failure to implement adequate best management practices. Staff will continue to inspect municipal yards and conduct follow-up inspections to ensure that violations have been corrected.

6. Status of the Orange County Municipal Storm Water Permit (Order No. R9-2002-0001) (*Dave Gibson*)

Seven petitions were filed with the State Board requesting a review of Order R9-2002-0001 (Table 1). At the request of the petitioners, the State Board is continuing to hold six of the petitions [1465, 1465 (a), (b), (d), (e) and (f)] in abeyance pending completion of administrative reviews of the municipal storm water permit adopted by the Los Angeles Regional Water Quality Control Board for Los Angeles County and the judicial review of the San Diego Permit. On July 26, 2002, staff submitted the Administrative Record and a Response in Opposition to the appeal filed by the City of Mission Viejo. The documents

submitted by staff in opposition to the stay requests and the appeal by Mission Viejo were posted on the Regional Board website starting on July 29, 2002.

The State Board held a hearing on July 29 on the stay requests filed by the Cities of Mission Viejo and Aliso Viejo and the Golden Rain Foundation on July 29, 2002. The Golden Rain Foundation declined to participate in the hearing. Staff presented its testimony at the hearing, which was subject to cross-examination by the representatives of the two appealing Cities. The State Board issued Order WQO 2002-0014 staying the acute toxicity receiving water limitation definition of Finding No. 26 and the requirement in section F.5.f for the Copermittees to implement BMPs to prevent and clean up sewage spills, including spills from private laterals and failing septic systems, and other spills.

The State Board found that the petitioners did not meet their burden of proof for the majority of their stay requests, which primarily addressed Copermittee responsibilities for inspection, enforcement of municipal ordinances, and implementation of BMPs at commercial, construction and industrial sites or facilities. Further, the State Board upheld the chronic toxicity receiving water limitation definition in Finding No. 26. Those requirements remain in effect.

7. NASSCO and Southwest Marine Shipyards (Tom Alo) (Attachment B-7)

The Regional Board held a stakeholder group meeting on August 22, 2002 to discuss and receive comments on the NASSCO and Southwest Marine Draft Phase 2 Workplan. The stakeholder group meeting agenda is attached.

Stakeholders that participated in the meeting included San Diego Bay Council, California Department of Fish and Game, U.S. Fish and Wildlife, National Oceanic and Atmospheric Administration, Office of Environmental Health Hazard Assessment, NASSCO, Southwest Marine, Exponent, and U.S. Navy. Staff has carefully considered all comments and has directed the Shipyards to adjust the Draft Workplan accordingly to meet some of the concerns of those attending the meeting.

Phase 2 field activities will be initiated in early September 2002 and will be completed in October 2002. The Phase 2 scope of work includes:

- Sediment coring to determine depth distributions of indicator chemicals and to determine sediment engineering properties relevant to potential remedial options.
- Sediment pore water analysis to evaluate equilibrium partitioning of indicator chemicals as an additional method of identifying potential adverse effects on aquatic life.
- Supplementary surface sediment chemistry analyses to accompany pore water analyses and to further characterize conditions between the shipyard leaseholds and the navigation channel.
- Reference area surface sediment to better define reference conditions.
- Fish histopathology measurements to evaluate potential adverse effects on fish at the shipyards.

- Tissue chemistry analyses on fish and invertebrates to evaluate potential adverse effects on aquatic-dependent wildlife and human health.
- A survey of eelgrass distribution and chemical analyses of eelgrass to evaluate potential adverse effects on eelgrass and on sea turtles.

8. Construction Storm Water Presentation at the City of Oceanside (*Christopher Means*)

On July 30, 2002, the City of Oceanside conducted a workshop to familiarize the construction and engineering communities with storm water and urban runoff regulations and the development of the Cities Standard Urban Storm Water Mitigation Plan (SUSMP). Christopher Means of the Northern Watershed Protection Unit presented a brief overview of the municipality's requirements under the San Diego Municipal Storm Water Permit as it relates to construction activities. Staff also provided attendees with the Regional Board staff's expectations for BMP implementation for construction sites covered under the Statewide General Construction Permit. The workshop was well attended by over 40 members of the public, including developers, engineers and architects.

9. Orange County Copermittees JURMP Meeting (*Christopher Means*)

On August 21, 2002, Bob Morris, Jeremy Haas, and Christopher Means of the Northern Watershed Protection Unit met with the Orange County Municipal Stormwater Copermittees to discuss the status of their Jurisdictional Urban Runoff Management Plans (JURMPs). As specified by Regional Board Order No. R9-2002-0001, the copermittees are required to submit the JURMP documents by February 13, 2003. Some of the copermittees indicated that they might miss this deadline.

The copermittees in southern Orange County chose to consolidate their resources with the resources of the northern Orange County copermittees to prepare a model management plan that could be used to address the permit requirements in either the San Diego or the Santa Ana regions. Apparently the preparation of this model plan has taken longer than expected, and it will not be completed until November 2002. The copermittees explained that the model would contain a comprehensive list of BMPs that would be required county-wide for various activities at commercial, industrial, residential and municipal facilities. The copermittees expressed concern that there will not be enough time after completion of the model for them to develop their JURMP and to adopt necessary revisions to their city ordinances by February 13, 2003. Your staff strongly urged the copermittees to expedite the JURMP development process by not waiting to begin working on their JURMPs and ordinances until after the model plan is completed. Staff provided the copermittees with electronic copies and general comments on previously submitted JURMPs and offered to assist, as time allows, in facilitating development of the JURMPs.

10. Landfill Status

Anza Landfill – Closure (*Amy Fortin and John Odermatt*)

On June 13, 2002, the Regional Board received a revised Joint Technical Document (JTD) containing a revised Report of Waste Discharge (ROWD). On August 29, 2002,

the Regional Board met with the County of Riverside to resolve outstanding issues associated with their revised Joint Technical Document ("JTD"/Report of Waste Discharge (ROWD)). The discussion resulted in agreement upon the basic design of an acceptable engineered alternative to the prescriptive landfill cover system required by Title 27 CCR and clarification of other issues that were of concern to the Regional Board staff. The Regional Board staff anticipates that the County of Riverside will submit an amendment to the Regional Board. After the JTD is found to be complete, the Regional Board staff will prepare of waste discharge tentative requirements (WDRs) for closure and post-closure maintenance and monitoring of the landfill. Staff will schedule an agenda item for the Regional Board to consider tentative WDRs within the next 4 months.

Mission Bay Landfill *(Brian McDaniel and John Odermatt)*

On August 16, 2002, the Regional Board staff attended a kickoff meeting of a technical advisory committee (TAC) convened by City Councilwoman Donna Frye to discuss the status of the Mission Bay Landfill. Members of the public, City environmental staff, and Regional Board staff attended the kickoff meeting. The City of San Diego has contracted with an environmental consultant to prepare a scope of work to complete a re-evaluation of the potential threat(s) posed to public health and/or the environment by the existing conditions at the Mission Bay Landfill. The Land Discharge Unit has assigned a Regional Board staff member to attend the TAC meetings. On August 28, 2002, the Regional Board staff sent comments to the City of San Diego Environmental Services Division regarding the proposed scope of work.

Prima Deshecha Landfill – Proposed Expansion *(Amy Fortin and John Odermatt)*

401 Water Quality Certification – Landslide Remediation Project: On February 11, 2002, the Regional Board Executive Officer issued a conditional 401 Water Quality certification for the landslide remediation project at the Prima Deshecha Landfill. The County of Orange proposes to construct a buttress within the Prima Deshecha Cañada to remediate a massive landslide that occurred in an area formerly used to stockpile soils for use in landfill operations. The issuance of the 401 Water Quality certification does not constitute approval by the Regional Board for construction of a waste management unit (WMU) over the areas underlain by the proposed buttress structure or formerly included in the area occupied by the landslide itself.

Proposed Construction of New WMU upon the Landslide: On July 2, 2002, the Regional Board received a Joint Technical Document (JTD) containing a Report of Waste Discharge (ROWD) proposing to expand waste disposal operations into the area occupied by the landslide referenced above. The Regional Board staff scheduled a meeting for a preliminary discussion of the proposal with representatives from the County of Orange, their environmental consultant, and a member of the State Water Resources Control Board (SWRCB) technical staff. The JTD/ROWD contains a proposal to build and operate a new waste management unit (Phase B WMU) in an area that currently underlain by a landslide encompassing approximately 2 million cubic yards of material. The County JTD/ROWD proposes a project to stabilize the landslide area purposes of

complying with the conditions of the 401 Water Quality Certification (see above), and constructing and operating a WMU to continue waste management operations at Prima Deshecha Landfill. The Regional Board staff is currently reviewing the JTD for completeness. The County of Orange contends that the timely construction of the proposed WMU (Phase B) is absolutely essential to continue uninterrupted landfill operations at the Prima Deshecha Landfill.

Existing regulatory requirements (federal – 40 CFR, Section 258.15 and state – Title 27 CCR, Section 20260) allow the Regional Board to consider proposals for siting a WMU in “unstable geological areas”, provided certain conditions are met. The Regional Board staff is evaluating the proposed design against the applicable state and federal requirements. The Regional Board staff has also identified another area of concern as including the creation of other potential source(s) for the discharge of sediment and/or turbidity into the Prima Deshecha Cañada. In October 2001, the Regional Board staff proposed to update the 303(d) list of impacted surface water bodies to include the Prima Deshecha Cañada for impairment of surface waters by discharges of phosphorous and turbidity.

San Diego Region Burn-ash sites (*Brian McDaniel and John Odermatt*)

Cal-EPA has convened a work group including the State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC) and the Integrated Waste Management Board (CIWMB) to address various issues related to the management of wastes from burn-ash sites. Cal-EPA has compiled a list of 527 burn-ash sites statewide of which 53 sites are located within the San Diego Region.

38th and Quince Street Burn-ash Cleanup: On April 10, 2002, the Regional Board adopted Resolution No. R9-2002-0069: “A Resolution Conditionally Waiving Adoption of Waste Discharge Requirements for the Discharge of Burn Ash Wastes into Temporary Waste Piles During Cleanup and Abatement of Burn Ash Wastes Located in Proximity To 38th and Quince Street in the City of San Diego.” On August 14, 2002, the Regional Board staff conducted an inspection of the cleanup site noting that the excavation project appears to have been completed and all temporary waste piles have been removed from the site. A subsequent telephone conversation with City of San Diego staff confirmed that the cleanup project had been successfully completed during July 2002. Resolution No. R9-2002-0069 will expire on September 30, 2002.

11. Status of Supplemental Environmental Projects (SEP) (*Rebecca Stewart/Mark Alpert*)
(Attachment B-11)

This is an update to the status report on SEPs previously provided to the Regional Board in June 02. The SEP summary table (attached) provides information useful regarding the SEP projects such as, the objective, the responsible party & trustee, ACL Order number and monetary amount, watershed, Regional Board contacts, and current SEP status.

There are currently eleven active SEPs being monitored by the Regional Board. Except for as described below, the SEPs are generally moving towards completion in accordance with approved time schedules. The following discussion is aimed at updating the Regional Board on those SEPs with significant activities that may be an issue in the future.

The Beach Valuation Project, SEP00-009, (funded through the City of San Diego, Adobe Falls Sewage Spill, ACL Order No. 2000-103)

The project has a scheduled completion date of June 5, 2003. However the contractor, the Santa Monica Restoration Project, has yet to begin the two-year project due to other workload commitments. Furthermore, a discussion with State Board staff has revealed that the University of California, Davis has conducted a similar study for San Diego area beaches. Regional Board staff is awaiting publication of the UC Davis project to determine if it fulfills the requirements of the Beach Valuation Project SEP. We will continue to monitor and evaluate the status of this project.

Restoration of Adobe Falls Open Space Park, SEP00-024, (funded by the City of San Diego, Adobe Falls Sewage Spill, ACL Order No. 2000-103)

The City is currently negotiating a sole-source contract with the San Diego Urban Corps to begin the removal of invasive, non-native vegetation and the placement of limited re-vegetation. This project has received a significant amount of negative feedback in recent months from residents living adjacent to Adobe Falls Park. If the City significantly modifies the project as the residents request, the project will not be completed as described in the SEP Application as required by Order No. 2000-103. As stated in Order No. 2000-103, if a project is not completed as described in the application form all monies delegated for the completion of the project must be forfeited to the Cleanup and Abatement Account that is maintained by the State Water Resource Control Board. Additional details regarding citizen complaints on the restoration project is provided in a separate Executive Officer report in this package.

Cottonwood Creek Urban Runoff Assessment and Action Plan and Storm Water Workshops, SEP01-005, (funded by Encinitas Ranch, L.L.P., ACL Order No. 2001-173)

This SEP is approximately 95% complete. Only two administrative items remain scheduled to be completed. Encinitas Ranch will be requesting the City of Encinitas to provide an exact accounting of the \$ 41,000 allocated for the Cottonwood Creek Urban Runoff Assessment SEP. Encinitas Ranch was also allocated \$14,000 to conduct a series of storm water workshops. To date, Encinitas Ranch has provided 12 storm water workshops and submitted 80 manuals for city storm water inspectors. A final report, due to the Regional Board by September 13, 2002, will contain an audit of expenditures for both SEPS.

Line E Recharge Project, SEP01-009, (funded by North Plaza, LLC and William Johnson, ACL Order No. R9-2002-0007)

On January 9, 2002, the Regional Board approved the Line E Recharge Project SEP. However, Mr. Johnson elected not to fund the SEP and instead paid the full amount of the Civil Liability to the Cleanup and Abatement Account maintained by the State Water Resource Control Board. Due to the Regional Board's interest in seeing the project move forward, a request was made on July 1, 2002 for the State Water Resources Control Board to fund the project with funds from the Cleanup and Abatement Account. On July 30, 2002, James Kuykendall, Chief of the Loans and Grants Branch of the State Water Resources Control Board's Division of Clean Water Programs denied the Regional Board's request to fund the Project because it did not appear to have a measurable water quality benefit, nor would the project, as proposed, cleanup and abate an existing pollution problem. On August 14, 2002, the Regional Board received a more detailed account of the Line E Recharge Project from the Murrieta County Water District. The Regional Board will review the information and decide whether to resubmit the funding request if the new information can substantiate a measurable water quality benefit.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. 205(j) and 319(h) Grant Project Selection (*Bruce Posthumus*)

Staff of all the regional boards, the SWRCB, and USEPA met on August 28 and 29 to develop recommended statewide rankings of proposals for federal Clean Water Act section 205(j) (water quality planning) and 319(h) (nonpoint source implementation) grants. The recommended rankings will be subject to review and revision by the assistant executive officers before being considered for approval by the SWRCB. The recommended rankings will be made public before the meeting (scheduled for October) at which time they will be considered by the SWRCB. USEPA has the final word on whether to fund projects on the ranked lists adopted by the SWRCB.

There were four proposals for 205(j) projects in the San Diego region, with a total of approximately \$454,000 of grant funds requested. Throughout the state, there were a total of 36 proposals for projects, with a total of approximately \$3.1 million of grant funds requested. Approximately \$600,000 of 205(j) grant funds is expected to be available.

There were eleven proposals for 319(h) projects in the San Diego region, with a total of approximately \$2.9 million of grant funds requested. Throughout the state, there were a total of 85 proposals for projects, with a total of approximately \$22.7 million of grant funds requested. Approximately \$5 million to \$6 million of 319(h) grant funds are expected to be available.